

## MANDATED REPORTER TRAINING

Presented by the Kansas Department for Children and Families



## Presented by

Erica Hunter, LBSW  
 Kansas Protection Report Center  
 Program Administrator  
 Office: 785-296-6030  
 Erica.Hunter@ks.gov

Frances Dewell, LBSW  
 Kansas Protection Report Center  
 Assistant Program Administrator  
 785-296-8769  
 Frances.Dewell@ks.gov



## LEARNING OBJECTIVES

### MANDATED REPORTERS

- Describe what to expect when calling the Kansas Protection Report Center
- Allegation types for child abuse or neglect
- Identify the difference between risk and safety
- Recognize decisions made regarding child safety at different points during DCF involvement, and how risk and safety factors impact these decisions
- Discover how decisions are made for protective actions and service recommendations
- Learn about the DCF findings of abuse or neglect for child



## GUIDES SOCIAL WORK PRACTICE

### MANDATED REPORTERS

Child Abuse Prevention and Treatment Act (CAPTA)

Kansas Statutes Annotated K.S.A.

(Kansas Code for the Care of Children & Adult Abuse/Neglect)

Kansas Administrative Regulation (K.A.R.)

DCF Policy and Procedure Manual (PPM)



## AUTHORITY TO INVESTIGATE

### MANDATED REPORTERS

**Kansas Statutes Annotated K.S.A. 38-2226**

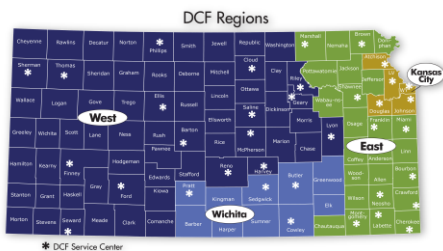
(Kansas Code for the Care of Children) Investigation for child abuse or neglect

- The Secretary and law enforcement officers shall have the duty to receive and investigate reports of child abuse or neglect, for the purpose of:
  - Determining whether the report is valid
  - Whether action is required to protect the child



## DUTY TO RECEIVE

### KANSAS PROTECTION REPORT CENTER (KPRC)



## STATE STATUTE

### CHILD ABUSE AND NEGLECT

**K.S.A 38-2223**

When any mandated reporter has reason to suspect that a person has been injured as a result of physical, mental or emotional abuse, neglect, or sexual abuse, the person shall report the matter promptly to DCF and/or law enforcement.



## STATE STATUTE

## DO I NEED "PROOF" TO REPORT?

- Anyone can make a report when they have a **"reason to suspect"** that child or adult abuse or neglect has occurred.
- **"Reason to suspect"**: a suspicion or belief that abuse and or neglect may have occurred or a discrepant or inconsistent history in explaining what happened.
  - Example: The caregiver indicates that bruising was due to an accidental fall, however the bruising appears on parts of the body that are inconsistent with this explanation.



## STATE STATUTE

## WHO IS MANDATED TO REPORT?

- School employees
- Child care providers
- Law enforcement, firefighters, EMT
- JIAC, court services, community corrections
- Medical professionals (doctors, nurses, etc.)
- Licensed mental health professionals
- Persons providing social services to pregnant teens



## STATE STATUTE

## FAILURE TO REPORT CHILD ABUSE

**K.S.A. 38-2223 (e)(1) and (2)**

- Willful and knowing failure to make a report required by this section is a class B misdemeanor. It is **not** a defense that another mandatory reporter made the report.
- Intentionally preventing or interfering with the making of a report required by this section is a class B misdemeanor.



## STATE STATUTE

## LOCAL "POLICIES" VS. STATUTE

**K.S.A. 38-2223 (e)(1)**

Some agencies expect staff to discuss abuse before reporting. However, if a mandated reporter has "reason to suspect" abuse/neglect, it is his/her statutory obligation to report, whether or not the supervisor is in agreement.



## STATE STATUTE

### PROTECTION FOR REPORTERS OF CHILD ABUSE

#### K.S.A. 38-2224 (a) and (b)—for suspected Child Abuse or Neglect

- No employer shall terminate the employment of, prevent or impair the practice or occupation of, or impose any other sanction on, any employee because the employee made an oral or written report to, or cooperated with an investigation by, law enforcement or the secretary relating to harm inflicted upon a child which was suspected by the employee of having resulted from the physical, mental or emotional abuse or neglect or sexual abuse of a child.
- Violation of this section is a class B misdemeanor



## STATE STATUTE

### PROTECTION FOR REPORTERS OF CHILD ABUSE

#### • For Suspected Child Abuse or Neglect

- Any person who willfully and knowingly makes a false report pursuant to this statutory provision or makes report that such person knows lacks factual foundation is guilty of a class B misdemeanor.
- Kansas law provides reporters immunity from civil liability if a report is made without malice and in good faith [K.S.A. 38-2209]



## CONFIDENTIALITY

### MANDATED REPORTERS

#### Specific to Suspected Child and Adult Abuse or Neglect

- Statute and DCF policy provide that the identity of the reporter of suspected child/adult abuse/neglect generally not be disclosed.
- This protection is not absolute:
  - If a case is heard in court, and DCF is ordered by a judge to release the name of the reporter
  - If a DCF finding is appealed and heard in a DCF administrative hearing, there is a possibility that the reporter's name may be disclosed in those proceedings.



## MAKING A REPORT

### HOW ARE REPORTS RECEIVED?

- **Telephone: 1-800-922-5330**
  - Operates 24/7, including weekends and holidays
- **Online: [www.dcf.ks.gov](http://www.dcf.ks.gov)**
  - Recommended use of Internet Explorer
  - *Quick Guide—How to make an online report* is available on the DCF website



## MAKING A REPORT

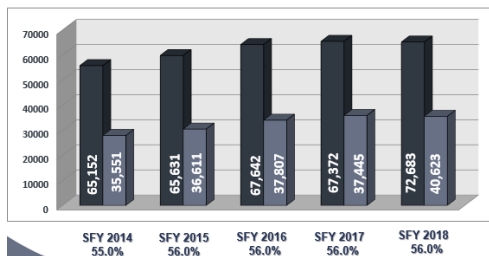
### DCF FACTS

- DCF received more than 72,000 reports on children in SFY 2018.
- DCF received more than 18,000 reports on adults in SFY 2018.



## MAKING A REPORT

### REPORTS RECEIVED AND ASSIGNED (CHILD)



## MAKING A REPORT

### TIPS IF YOU SUSPECT ABUSE/NEGLECT

- Keep in mind it is often difficult for a child to disclose situations of abuse/neglect. The child may have been threatened not to tell. The child may feel ashamed, embarrassed, anxious or scared.
- Maintain a calm expression. The child's story may be emotional. If expressions of shock or other emotions are displayed, the child may choose not to disclose.
- Limit questions to obtain only the minimal information need to make a report. Remember "a reason to suspect" is the criteria to make a report.



## MAKING A REPORT

### TIPS IF YOU SUSPECT ABUSE/NEGLECT

- Do not put words in the child's mouth. Asking leading questions may unintentionally alter the facts of the case. A report may be made without asking for additional details.
  - Leading question example: "Did your father hit you with a belt?"
- Do not promote the child to keep the disclosure a secret. Reassure the child, and explain you will call someone who can help.
- Reassure the child the information will not be shared with peers or anyone who does not need to know to keep him/her safe.



## MAKING A REPORT

### ADDITIONAL CONTACT

It is important for reporters to leave contact information, so the KPRC Specialist will be able to connect with them to ask additional questions and gather additional information that may be essential in determining the safety of the child/adult.



## MAKING A REPORT

### INFORMATION YOU WILL NEED

- Names
  - Victim, person causing harm, caregiver, siblings, witness, relatives, others in the household, etc
- Address
- Phone numbers
- Date of birth and Social Security number
- Race and ethnicity



## MAKING A REPORT

### QUESTIONS YOU WILL BE ASKED

#### WHO...

- Who was the person that caused harm or injury to the child(ren)?
- Who else has knowledge of what occurred?
- Who can protect the child(ren)?
- Who all lives in the home?



## MAKING A REPORT

### QUESTIONS YOU WILL BE ASKED

#### WHAT...

- What did the victim say happened (provide details and exact statements)?
- What were the circumstances surrounding the incident?
- What have you observed regarding the concerns?
- What does the child say about returning home?
- What is the child's functioning level?
- What has your interaction been with caregiver?
- What does the injury look like, if injury is present?



## MAKING A REPORT

### QUESTIONS YOU WILL BE ASKED

#### WHEN...

- When did the incident happen (date)?
- When will the child have contact with the alleged perpetrator?
- When was law enforcement contacted, if an emergency existed?



## MAKING A REPORT

### QUESTIONS YOU WILL BE ASKED

#### WHERE...

- Where does the child have an injury?
- Where did the incident happen i.e. physical location?
- Where can the child currently be located (what time school gets out, after school plans, etc)?



## MAKING A REPORT

### IT MAY BE USEFUL TO KNOW

#### **K.S.A. 38-2209-38-2213**

#### **Confidentiality Statutes**

The reporter shall disclose protected health information (PHI) freely and cooperate fully with DCF and law enforcement throughout the investigation and any subsequent legal processes.



## MAKING A REPORT

### ONLINE REPORTING

#### Tips

- Please have all information prior to submitting the report. The website will time out at 60 minutes.
- Attachments may be added to the web intake.
- Use Internet Explorer
- Go to [www.dcf.ks.gov](http://www.dcf.ks.gov)



## MAKING A REPORT

### ONLINE REPORTING



## MAKING A REPORT

### ONLINE REPORTING



## MAKING A REPORT

### ONLINE REPORTING





## MAKING A REPORT

## ONLINE REPORTING

**Protective Services Report**

REQUIRED FIELD TO START REPORT -- Are you reporting an incident that happened to an adult or a child? **required**

**Report Information**

In this section, you will fill out your contact information so that we can contact you if we need additional information. We must have your properly address your contact to use additional information to resolve.

**Mandatory Reporter**

Agency/Facility Name  Your Title  **required**  **required**  **required**

Your Email Address  **required**

Address Type  **required**

Street Address of your Agency/Facility  **required**

Agency/Facility Box Number  **required**

City  **required** State  **required** Zip Code  **required**

County  **required**

Primary Phone Number  **required**  **required**  **required**  **required**

Secondary Phone Number  **required**  **required**  **required**  **required**

Email Address  **required**

Gender  **required**

Relationship to alleged victim  **required**

How did you become aware of the incident?  **required**

How did you contact you or an alternate contact name and phone number  **required**

Language spoken  **required**

Any use of force from this alleged perpetrator  **required**

Have you the written notification of the national at your report?  **required**

Interpreter/Translator Needed?  **required**



## MAKING A REPORT

## ONLINE REPORTING

**Incident Information**

In this section, you will describe what caused you to fill out a report on the alleged victim. If anyone saw the incident happen, you will need to add their contact information to the other Participant section. Please answer as many of the following questions as you can.

On what date did the incident occur?  **required** What Time?  **required**

Where did the incident occur?  **required**

Did the incident occur at an Agency or Facility?  **required**

Agency/Facility Name  **required**

Agency/Facility Phone Number  **required**

Incident Street  **required**

Incident Agency Box Number  **required**

City  **required** State  **required** Zip Code  **required**

County  **required**

Has this information been included?  **required**

Send Additional Documentation via  **required**

Please describe the incident in detail and include the following information.

What has happened that led you to report today?  **required**

Why do you suspect abuse/neglect/exploitation?  **required**



## MAKING A REPORT

## ONLINE REPORTING

How did you become aware of the suspected abuse/neglect/exploitation?  **required**

What are the circumstances surrounding the suspected abuse/neglect/exploitation?  **required**

What information do you have on the victim's functioning on a day-to-day basis? (For child reports only)  **required**

What information do you have about the parent's discipline approaches? (For child reports only)  **required**



## MAKING A REPORT

## ONLINE REPORTING

What information do you have about how the caregiver functions on a day-to-day basis? (For child reports only)  **required**

Do you think there is risk to our investigator?  **required**

If Yes, please explain.  **required**

**Alleged Victim Information** **required** [Add](#) [Edit](#) [Delete](#)

**Alleged Perpetrator Information** **required** [Add](#) [Edit](#) [Delete](#)

**Other Possible Participant Information** [Add](#) [Edit](#) [Delete](#)

**Attachments** [Add](#) [Upload](#)



## MAKING A REPORT

### ONLINE REPORTING

The screenshot shows a web browser displaying the 'Protective Services Report' form. The form includes sections for 'Report Information' and 'Report Details'. The 'Report Information' section contains fields for 'Report Number', 'Report Title', 'Last Modified', and 'Mobile Device'. The 'Report Details' section includes fields for 'Agency/County Name', 'Address Type', 'Address of your Agency/County', 'Agency/County Name', 'City', 'State', 'Zip Code', 'County', 'Agency Phone Number', 'Agency Email Address', 'Agency Website', 'Relationship to Alleged Victim', 'Date of Report', 'Time of Report', 'Location of Report', 'Type of Report', 'Reason for Report', 'Description of Report', 'Investigator/Intake Specialist', and 'Date of Report'.



## MAKING A REPORT

### HELPFUL INFORMATION

- If you make a report online you will receive an email with the event or intake ID number.
- If you request notification of the results of the call you will receive a letter telling you if the report was assigned or not assigned.
- You will not be able to gain additional information about what happens during the investigation without a signed release of information.



## INITIAL ASSESSMENT

### WHAT HAPPENS AFTER YOU MAKE A REPORT?

- Completed by Protection Specialists and Intake Protection Specialists
- Complete the Structure Decision Making (SDM) Intake Assessment
- Assess risk and safety factors
- Apply abuse/neglect definitions



## INITIAL ASSESSMENT

### FACTORS TO CONSIDER

Child's age	Recency of an injury
Perpetrator's access to children	Current condition/behavior of the child
Physical/mental condition of caregiver	Agency action needed to protect children from harm
Location of the injury	Action needed to preserve evidence
Seriousness of incident	Prior agency involvement
Medical needs of the child	
Child's ability to protect self	
Others' ability to protect child	



## INITIAL ASSESSMENT

### ABUSE/NEGLECT ALLEGATION TYPES

- Physical Abuse
- Sexual Abuse, includes Human Trafficking
- Mental/Emotional Abuse
- Physical Neglect
- Medical Neglect
- Lack of Supervision
- Educational Neglect
- Substance Affected Infant



## INITIAL ASSESSMENT

### FAMILY IN NEED OF ASSESSMENT (FINA)

- Caregiver Substance Use
- Caregiver Unable/Unavailable to Provide Care
- Child Substance Abuse
- Children with Behavior Problems
- Infant Positive for Substances
- Less than 10 Years of Age Committing an Offense
- Runaway
- Truancy

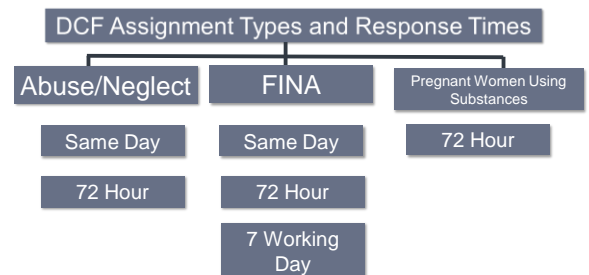
#### PWS

- Pregnant Woman Using Substances



## INITIAL ASSESSMENT

### DETERMINING THE RESPONSE TIME



## INITIAL ASSESSMENT

### CRITERIA FOR SAME-DAY ASSIGNMENT

- The alleged victim is under 1 year of age
- Any child with current marks or bruises
- Life-threatening situation for a child of any age
- Sexual abuse of a child, and the alleged perpetrator resides in the home
- Child without minimal care to prevent loss of life or serious injury
- Child in Police Protective Custody



## INVESTIGATION AND ASSESSMENT

### SAFETY DETERMINATION

- **Same Day**—Safety must be determined by the assigned DFC Specialist, or at least appropriately attempted by the end of that work day.
- **72 Hour**—Safety must be determined within 72 hours. This excludes weekends and State holidays.



## INVESTIGATION AND ASSESSMENT

### DETERMINING CHILD SAFETY

- In person contacts with the alleged victim(s)
- Neutral setting—school (K.S.A. 28-2226 (g))
- Consider safety factors, such as:
  - Severity of harm to the child
  - Imminent danger types
  - Child vulnerability
  - Caregiver protective factors
  - Non-abusing caregiver willing and able to protect
  - History of abuse/neglect



## INVESTIGATION AND ASSESSMENT INTERVIEWS

- Alleged victim
- Primary caregiver of alleged victim
- Siblings residing in the home, facility or placement
- Alleged perpetrator
- Siblings not residing in same home
- Adult sibling(s) living in same home
- Persons identified as having relevant information

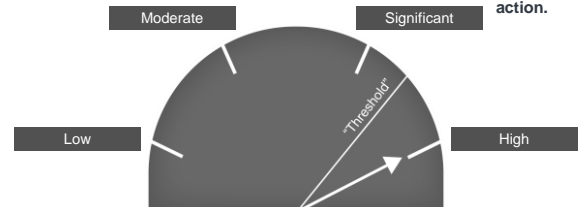


## INVESTIGATION AND ASSESSMENT SAFETY AND RISK ASSESSMENTS

Risk leads to decisions for services.

### RISK VS. SAFETY

Safety leads to decisions for protective action.



## INVESTIGATION AND ASSESSMENT SAFETY ASSESSMENT

- Evaluate imminent danger to a child
- Considers:
  - Safety factors
  - Immediate medical concerns
  - Protective action
  - Perpetrator access
- Assist the CPS Specialist in determining the need for protection action



## INVESTIGATION AND ASSESSMENT SAFETY DECISION

- Safe
- Conditionally Safe
  - Safety plan
  - Removal of the alleged perpetrator
- Unsafe



## INVESTIGATION AND ASSESSMENT

### UNSAFE DECISION

The answer to the following is “yes”:

- Is the child abandoned?

Or, all three of the following must be “yes”:

- Is the child in imminent danger?
- Does the perpetrator have access to the child?
- Is the non-abusing caregiver unable to protect the child?



## INVESTIGATION AND ASSESSMENT

### PROTECTIVE ACTION

DCF can NOT remove a child from the home. Only law enforcement, a court services officer, or the Court can remove children from their home.

K.S.A 38-2231



## INVESTIGATION AND ASSESSMENT

### PROTECTIVE ACTION

- Request police protective custody
- Request an ex parte or temporary custody order from the court through the county or district attorney



## INVESTIGATION AND ASSESSMENT

### TEMPORARY CUSTODY

When a child is placed in PPC or temporary DCF custody, a hearing must be held within 72 hours to determine if the children can safely return home, or if out-of-home placement is needed.



## INVESTIGATION AND ASSESSMENT

### RISK ASSESSMENT

- Research-based tool
- Likelihood of future maltreatment
- Statistically correlated to future maltreatment
- All significant risk factors are considered
- Assists families
- Assists workers in making service action decisions



## INVESTIGATION AND ASSESSMENT

### SERVICE DECISION

#### May include:

- Referrals to community services and supports
- Family Services
- Family Preservation Services
  - 24/7 availability to the family
  - Crisis stabilization and ongoing intervention
  - Aftercare services for 365 days after referral
- Family First prevention grants, beginning 10/1/19.
  - Targeted services in Mental Health, Substance Use, Parent Skill Building, and Kinship Navigator.



## INVESTIGATION AND ASSESSMENT

### CASE FINDING PURPOSE

#### The purpose of the case finding is to inform:

- When abuse/neglect has occurred; and
- Whether the identified perpetrator should be permitted to reside, work or regularly volunteer in a child care facility.



## INVESTIGATION AND ASSESSMENT

### CASE FINDING

#### Possible DCF case findings are based on the evidentiary standard of preponderance of the evidence:

- Unsubstantiated
- Affirmed
- Substantiated
  - Placed on DCF Central Registry



## INVESTIGATION AND ASSESSMENT

### CENTRAL REGISTRY

#### Purpose of the Kansas Child Abuse/Neglect Central Registry:

- Prevent anyone substantiated from working, residing or regularly volunteering in a facility licensed by KDHE or DCF Foster Care and Residential Licensing



## INVESTIGATION AND ASSESSMENT

### UNSUBSTANTIATED CASE FINDING

A reasonable person weighing the facts or circumstances would conclude it is more likely than not (**preponderance of the evidence**) the alleged perpetrator's actions or inactions do not meet the abuse and/or neglect definitions per applicable Kansas Statutes Annotated (K.S.A) and Kansas Administrative Regulations (K.A.R).



## INVESTIGATION AND ASSESSMENT

### AFFIRMED CASE FINDING

A reasonable person weighing the facts and circumstances would conclude it is more likely than not (**preponderance of the evidence**) the alleged perpetrator's actions or inactions meet the abuse and/or neglect definition per applicable Kansas Statutes Annotated (K.S.A) and Kansas Administrative Regulations (K.A.R).



## INVESTIGATION AND ASSESSMENT

### SUBSTANTIATED CASE FINDING

#### Meet each of the following criteria:

- Affirmed for abuse/neglect
- Perpetrator's actions, behaviors, omissions meet one of the following:
  - Intent to commit the act that resulted in harm; and/or
  - Reasonable person would have anticipated harm would occur to the child; and/or
  - Harm was the result of failure or refusal to protect the child; and
  - There was serious harm, injury or deterioration to the child; or there was a likelihood of, or endangerment of serious harm, injury or deterioration to the child.





## INVESTIGATION AND ASSESSMENT

### SUBSTANTIATED CASE FINDING

A substantiated case finding results in the **perpetrator's name being placed on the Kansas Child Abuse/Neglect Central Registry**. The perpetrator is not permitted to reside, work or regularly volunteer in a Kansas Department of Health and Environment or DCF Foster Care and Residential Licensing regulated child care or residential facility.



## INVESTIGATION AND ASSESSMENT

### DCF CENTRAL REGISTRY

#### Purpose of the Central Registry:

- Prevent anyone substantiated from working, residing or regularly volunteering in a facility licensed by KDHE or DCF Foster Care and Residential Licensing



## INVESTIGATION AND ASSESSMENT

### CENTRAL REGISTRY CHECK

- Statute allows any agency/organization to submit a Registry Check on their employees, volunteers or other persons involved with their agencies. This is also available to any individual wishing to know if their name is on the Registry.
- DCF must have a signed Release of Information form before a request for a Registry Check can be processed



## INVESTIGATION AND ASSESSMENT

### AGENCY GOAL

DCF's goal is always to keep families together, whenever this is safely possible



## WEBSITES OF INTEREST

### **DCF Policy and Procedure Manual**

[www.dcf.ks.gov/services/PPS/Pages/CPSReports.aspx](http://www.dcf.ks.gov/services/PPS/Pages/CPSReports.aspx)

### **Kansas Statutes Annotated (definitions)**

[www.kslegislature.org](http://www.kslegislature.org)



## THANK YOU!

## Questions

